

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
v.	§	
	§	CRIMINAL ACTION NO. 4:07-CR-247
NOAH HALEY (2),	§	
	§	
Defendant.	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on January 17, 2019, to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Camelia Lopez.

Noah Haley was sentenced on January 7, 2009, before The Honorable Marcia A. Crone of the Eastern District of Texas after pleading guilty to the offense of Conspiracy to Manufacture, Distribute, or Possess with Intent to Manufacture, Distribute, or Dispense Cocaine Base, a Class A felony. This offense carried a statutory maximum imprisonment term of not less than 10 years or more than life. The guideline imprisonment range, based on a total offense level of 30 and a criminal history category of II, was 120 to 135 months. Noah Haley was subsequently sentenced to 120 months of imprisonment followed by a 5-year term of supervised release subject to the standard conditions of release plus special conditions to include financial disclosure; drug aftercare; anger management program; attend adult basic education classes; and a \$100 special assessment. On May 9, 2016, Noah Haley completed his period of imprisonment and began

service of the supervision term. On January 14, 2015, this case was reassigned to the Honorable Amos L. Mazzant III, U.S. District Judge for the Eastern District of Texas.

On September 6, 2018, the U.S. Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 554, Sealed]. The Petition asserted that Defendant violated two (2) conditions of supervision, as follows: (1) The defendant shall refrain from any unlawful use of a controlled substance; and (2) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

The Petition alleges that Defendant committed the following acts: (1) and (2) On September 7, 2017, Mr. Haley submitted a urine specimen that tested positive for marijuana. Mr. Haley admitted to said use. On September 22, 2017, Mr. Haley submitted a urine specimen that tested positive for marijuana. Alere Toxicology Services confirmed said use and that it was new use since September 7, 2017. On July 16, 2018, Mr. Haley submitted a urine specimen that tested positive for marijuana. Alere Toxicology Services confirmed said use. On July 26, 2018, Mr. Haley submitted a urine specimen that tested positive for marijuana. Alere Toxicology Services confirmed said use and that it was new use since July 16, 2018. On August 22, 2018, Mr. Haley submitted a urine specimen that tested positive for marijuana. Alere Toxicology Services confirmed said use and that it was new use since July 26, 2018.

Prior to the Government putting on its case, Defendant entered a plea of true to the two (2) allegations of the Petition. Having considered the Petition and the plea of true to the two (2) allegations, the Court finds that Defendant did violate his conditions of supervised release.

Defendant waived his right to allocute before the District Judge and his right to object to the report and recommendation of this Court.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for a term of four (4) months, with thirty-six (36) months of supervised release to follow. All special conditions shall be reimposed as follows:

- (1) You must provide the probation officer with access to any requested financial information for purposes of monitoring attempts to obtain and maintain lawful employment;
- (2) Under the guidance and direction of the U.S. Probation Office, the defendant shall participate in and successfully complete an anger management program and any combination of psychiatric, psychological, or mental health treatment as deemed appropriate by the treatment provider;
- (3) You must attend adult basic education classes while on supervised release; and
- (4) You must participate in a program of testing and treatment for drug abuse and follow the rules and regulations of that program until discharged. The probation officer, in consultation with the treatment provider, will supervise your participation in the program. You must pay any cost associated with treatment and testing.

The Court also recommends that Defendant be housed in a Bureau of Prisons facility in the North Texas area, if appropriate.

SIGNED this 22nd day of January, 2019.



Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE